United Nations S/2007/442

Security Council

Distr.: General
18 July 2007

Original: English

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1740 (2007) in which the Council established the United Nations Mission in Nepal (UNMIN). In response to the formal request by the Government of Nepal and the Communist Party of Nepal (Maoist), or CPN(M), for United Nations support for the peace process, UNMIN was established as a special political mission with a mandate to monitor the management of the arms and armed personnel of CPN(M) and the Nepal Army, assist in monitoring ceasefire arrangements, provide technical support for the conduct of the election of a Constituent Assembly in a free and fair atmosphere and provide a small team of electoral monitors.

2. The report reviews the progress of the peace process and the implementation by UNMIN of its mandate since my report to the Council of 26 April 2007 (S/2007/235) and assesses the continuing challenges facing Nepal as it attempts to achieve a historic transition.

II. Progress of the peace process

3. As I indicated in my previous report, Nepal's peace process has registered major achievements, including in the first three months after the establishment of UNMIN. Among the main accomplishments were the promulgation of an interim Constitution and the formation of an interim legislature-parliament and an interim Government, both of which include Maoist members and ministers. During this period and since, however, the process has encountered significant challenges. In the latter half of April it became clear that the Constituent Assembly election, which under the interim Constitution was to take place by mid-June 2007, would have to be postponed. This was largely due to the difficulties encountered by the governing eight-party alliance in reaching agreement on the electoral framework and necessary legislation. On 12 April, the Election Commission stated that the election could not be held until at least 110 days from the passage of all relevant election legislation, making a June election impossible and in effect requiring a postponement until after the June-to-September monsoon season. The Election Commission also drew attention to the need for the creation of adequate security conditions for the election and for political agreement on ensuring adequate representation of traditionally

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marginalized groups in the electoral process. The announcement had the effect of stalling the political process for a period of time, with some parties reluctant to acknowledge publicly that a credible June election was no longer feasible. This also led to accusations and counter-accusations within the eight-party governing coalition regarding the responsibility for the failure to hold the election within the agreed period.

4. The situation in Nepal's southern plains, the Terai region, remained highly restive in the aftermath of the sometimes violent protest movement from January to March 2007, in particular following the killing of 27 Maoists in Gaur by supporters of the Madhesi People's Rights Forum (MPRF) on 21 March and earlier clashes between Madhesi protestors and the police. The security situation in the Terai has remained extremely disturbed, and efforts to improve law and order in the region have been halting at best. Frequent clashes continue to occur between Maoist and Madhesi activists in the Terai as they compete for political space. Several armed secessionist groups in the Terai, including three factions of the Jantantrik Terai Mukti Morcha (JTMM), the Madhesi Tigers and the Terai Cobra, have continued to challenge both the Maoists and the State. Eight CPN(M) cadres were killed in June and early July, with one or other faction of JTMM often claiming responsibility. Fear among Pahadis (hill-origin settlers) in the Terai has increased, and some Pahadi families have fled, or been forced to flee, their homes to safer areas in order to escape militant Madhesi groups. The possibility of more widespread communal violence remains a concern.

5. Little dialogue had taken place between the Government and MPRF during the April to May period. Madhesi legislators in the interim legislature-parliament began to disrupt parliamentary proceedings from 18 April onward, aggrieved by the recommendations of the Election Constituency Delineation Commission (ECDC) on the drawing of boundaries for new constituencies in the Terai. This disruption, which Maoist and other legislators joined, resulted in further delay in the passage of necessary constitutional amendments and electoral legislation.

6. As a backlash against intimidation of Pahadi citizens and concessions or potential concessions to Madhesi groups, a new Pahadi group, the Chure Bhawar Ekta Samaj (CBES), has emerged in the northern areas of the central Terai, demanding a Chure federal state encompassing some of the Terai's most resource-rich areas. The group led a series of protests in late April, blocking key access routes.

7. There were also disturbances in the western Terai, an area where the indigenous Tharu community is concentrated. Many Tharus suffer from extreme poverty and are landless, a result of the practice of bonded labour (*kamaiya*). Although the practice was banned in 2000, many former *kamaiyas* remain essentially homeless and have consequently squatted on Government property. Following the Government's decision to deploy the Armed Police Force to the border areas to control cross-border crime, an attempt by the Force to evict some *kamaiya* families who had occupied Government property led to clashes beginning on 1 May, involving the Maoist Young Communist League (YCL) and a Tharu group. Protesters attacked local district administration offices in several western districts, assaulting Government officers and burning property.

8. Land issues have been and can be expected to continue to be highly contentious. Under the Comprehensive Peace Agreement, the parties committed

themselves to returning Government, public and private buildings, land and other properties, as well as to adopting a programme of land reform and to providing land to socially and economically disadvantaged classes, including landless squatters, bonded labourers and pastoral farmers. On several occasions, however, local Maoist cadres have resisted the implementation of commitments made publicly by the Maoist leadership to return seized property and have even seized additional property. The Nepali Congress Party has made it clear that fulfilment by CPN(M) of these commitments is one of its central concerns in the peace process.

9. YCL attracted intense criticism during this period from the other seven parties in the governing alliance and from many civil society groups. While the Maoists maintain that YCL is engaged only in peaceful political and civic activities and in assisting with law enforcement, others have accused the group of acting essentially as a militia engaging in parallel quasi-policing activities and widespread intimidation, noting that former Maoist army commanders are in YCL leadership positions. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Nepal has documented the recurring use of violence and intimidation by YCL, which has overshadowed its legitimate activities. At the same time, OHCHR has observed that criticism by CPN(M) of police inaction to address crime, corruption and law and order, which echoes broad concerns within the population as a whole, must be addressed.

10. The lack of progress on a range of issues also impeded the monitoring by UNMIN of the Maoist army in accordance with the agreement on monitoring the management of arms and armies. The leadership of CPN(M) would not agree to the Mission's commencing the second stage of registration of CPN(M) personnel, involving verification of the age and date of recruitment of those registered at the first stage, until agreement was reached with the Government on other issues. This is a crucial stage of the implementation of the agreement, in particular as regards the commitment to discharge those who were under 18 years of age on 25 May 2006 and to ensure that all who remain in cantonments were recruited to the Maoist army before that date. CPN(M) insisted on prior progress by the Government in improving cantonment conditions. The poor conditions in the cantonments remained a persistent concern, especially during monsoon rains, and even pre-monsoon weather conditions had led to personnel leaving cantonments to take temporary shelter in nearby villages. CPN(M) also linked the beginning of verification to the payment of allowances by the Government to its personnel in the cantonments and to the establishment of the special committee envisaged in article 146 of the interim Constitution to supervise, integrate and rehabilitate the combatants of the Maoist army.

11. Late May and early June saw significant progress in terms of the willingness of the eight parties and the interim Government to end the political stalemate and to tackle outstanding problems on several fronts. On 31 May, the eight parties met for the first time since mid-April and agreed that the Constituent Assembly election should be held no later than mid-December 2007. Key grievances of Madhesi legislators were addressed by the establishment of a judicial commission to investigate the violence during the Madhesi movement and by agreement that the recommendations of Election Constituency Delineation Commission on constituency boundaries would be reviewed. As a result, Madhesi legislators ended their campaign of disrupting Parliament. The eight parties agreed to a series of amendments to the interim Constitution, including new provisions empowering the

interim legislature-parliament to abolish the monarchy by a two-thirds majority if the King were deemed to be conspiring against the election and to remove the Prime Minister, also by a two-thirds vote. The interim legislature-parliament passed the amendments on 13 June.

12. The more positive developments in June included the beginning of a formal dialogue between the Government and MPRF. Initial talks were held in the Terai town of Janakpur on 1 June, during which the two sides reached agreement on a number of issues. However, some of the major demands of MPRF were left for further discussions. The Government similarly reopened talks with the Nepal Federation of Indigenous Nationalities (NEFIN), representing Janajati groups. NEFIN has demanded a fully proportional election for the Constituent Assembly and guarantees for representation of all ethnic groups. Both sets of talks, as well as talks with CBES, are continuing. Representatives of traditionally marginalized groups have expressed concerns about the pace of the talks and the willingness of the Government to deliver on commitments already made.

13. On 14 June, the interim legislature-parliament passed the key electoral legislation, the Constituent Assembly Members Election Act. This retains a mixed system, as previously written into the interim Constitution, under which 480 members are to be elected through two separate but simultaneous election races. In one race, the country is divided into 240 constituencies, with voters in each constituency electing one representative on the basis of a simple majority of votes — a first-past-the-post electoral system. In the second race, parties win a share of a further 240 seats in proportion to their nationwide share of the votes — a proportional representation system. An additional 17 members will be appointed by the interim Government, and the Constituent Assembly will therefore comprise 497 members. Independent candidates may run in the constituency race but not in the proportional representation race. In the proportional representation race, the parties will select their winning candidates after the results are known, and a complex quota system prescribes the extent to which each party needs to include members of marginalized groups when nominating candidates and when making its final selection of winning candidates. Groups that need to be represented in the process are Madhesis, Dalits, marginalized castes and ethnic groups, and persons from districts with very low development indicators. Half of each party's candidates in the proportional representation race and at least one third of all candidates proposed by a party for both races together must be women. It is unclear whether this formula will enjoy broad support from the marginalized communities, whose demand for a fully proportional system has been strong; ensuring that the quota system is operated in a fair, transparent and binding manner will be essential to such support. After consultations with the Election Commission, on 24 June the interim Government declared 22 November 2007 as the election date.

14. The eight-party agreement of 31 May and related discussions created an environment that was more conducive to renewed efforts on cantonment-related issues. The Government disbursed funds to construct better shelter for 15,000 personnel in the camps. It also agreed to provide an allowance of 3,000 rupees per month per person for those in the cantonments, and delivered the first tranche of this payment to the senior-most Maoist minister. The Maoist leadership agreed to proceed with the Mission's second phase of registration and verification, which was then scheduled to begin on 14 June. A series of killings in the Terai of Maoists by Madhesi groups led to a further short postponement. Verification at the first main

Maoist cantonment site began on 19 June and was completed on 26 June, with the results were presented to the Maoist leadership. Discussions with the Maoist leadership about the results and their implementation, as well as the resolution of disputes regarding those ruled ineligible, delayed the beginning of verification at the second site. UNMIN has urged the Maoists and their partners in the interim Government to reach a clear understanding on payment and other modalities for those personnel discharged after being ruled ineligible.

III. Build-up of the United Nations Mission in Nepal

15. Following the General Assembly's approval, in its resolution 61/258, of the Mission's 2007 budget of $88,822,000, UNMIN moved promptly to expand its operations. Since UNMIN is a focused political mission of limited duration, efforts have been made to expedite recruitment and personnel procedures to allow the Mission to be effectively staffed in the face of developing political events. Nevertheless, the existing rules and regulations regarding personnel, procurement and delegation of authority do not lend themselves easily to the rapid start-up of a mission of short duration such as UNMIN. The Mission has supported the work of a best practices officer to analyse how lessons learned from UNMIN might positively influence the start-up of future missions.

16. As at 9 July, 507 of the planned 1,073 staff were in their posts. The only category of staff with regard to which UNMIN has not sought the earliest possible recruitment is that of the 167 United Nations Volunteers to be deployed as district electoral advisers, together with their local support staff. Their deployment was deferred pending decisions on a new election date, but is now in process. Of 357 civilian staff, 92 — 27 per cent — are women. A further breakdown of this figure indicates that in substantive areas, 37 per cent of international civilian staff are female, while in administration, 17 per cent are female. Among arms monitors, only 12 of 150 are women, despite appeals to Member States to nominate women candidates. Special emphasis has been placed on ensuring that the composition of national staff reflects the diversity of Nepal, with vigorous efforts being made to recruit from traditionally marginalized communities.

17. Negotiations with the Government of Nepal on a status-of-mission agreement are at an advanced stage, and it is hoped that such an agreement will be signed in the near future. The Government has provided facilities in Kathmandu and regional locations, and has offered excellent support in facilitating the transit of goods and personnel as they have arrived in Nepal. In mid-June, the Mission headquarters relocated to facilities provided by the Government at the Birendra International Convention Centre in Kathmandu. Regional offices have started to function with partial occupancy in Nepalgunj, Biratnagar and Pokhara; the office in Dhangadhi is expected to become operational by mid-July. I am grateful for the excellent cooperation that UNMIN continues to receive from the Government of Nepal.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

18. Around-the-clock monitoring has continued at the weapons storage areas of all seven Maoist army main cantonment sites throughout the reporting period. Conditions at the cantonments remain difficult for UNMIN monitors as well as for the Maoist army, but they have recently improved with the provision of prefabricated offices, ablution facilities, office tents and diesel-fuelled generators. The communications system is considered to be satisfactory. The current monsoon conditions are having an impact on arms monitoring operations, and priority is being given to ensuring the safety and security of the monitors despite the onset of heavy seasonal rains. Contingency planning is taking place, and stores are being built up at each main cantonment to be used in the event of access difficulties related to flooding or other severe weather.

19. The significant increase in personnel and equipment has allowed monitoring to be extended beyond the main cantonment sites. Patrols are conducted to inspect both Maoist satellite cantonment sites and the barracks of the Nepal Army at all levels. Constructive liaison has been established with commanders, and monitors have been able to extend their patrols to visit local government officials, non-governmental organizations and United Nations field locations. In addition to the teams located at the main Maoist cantonment sites, each sector has established mobile teams for general patrolling and incident investigation. As at 5 July, 33 investigations had been carried out, with their reports submitted to the Joint Monitoring Coordinating Committee. The Committee has continued to meet regularly, usually twice a week, under the chairmanship of the Chief Arms Monitor, in an atmosphere of good cooperation between the Nepal Army and the Maoist army, and between each of them and UNMIN.

20. Joint monitoring teams, comprising one United Nations monitor, one Maoist army monitor and one Nepal Army monitor, have become operational following a period of training and preparation. All 10 teams were deployed to the sectors at the beginning of June, with two teams allocated to each sector. Their deployment represents a significant step forward in monitoring operations. It is hoped that these joint teams will further strengthen the sense of ownership in the peace process by both parties to the agreement and will contribute to building public confidence. Initial results are positive, and in time the teams will be tasked with investigative responsibilities for more complex incidents.

21. Laying the groundwork for the second phase of registration and verification of Maoist army personnel was at the forefront of planning and logistical preparation throughout the period. Once CPN(M) confirmed that it was ready to start the process after significant delays at the political level, UNMIN personnel, together with staff members of the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) participating in the verification teams, were deployed to the main cantonment site at Ilam, where the process began on 19 June and was completed on 26 June. The teams work successively at each of the seven main cantonment sites, with logistics preparations taking place at one site while the process is completed at the preceding site. The time required to complete the process will depend on the cooperation of the Maoist army and the local administration, as well as on weather and operational constraints.

22. With the arrival of 28 retired military arms monitors in late June and during July, the Arms Monitoring Office will reach its full strength of 186. Five senior military officers have been appointed as sector commanders, following a period of training and familiarization. Two of those officers are serving as senior liaison officers in Pokhara and Dhangadhi pending the establishment of two new sectors.

B. Mine action

23. Under the supervision of the UNMIN Mine Action Unit, ArmorGroup, the company contracted to monitor the storage process of improvised explosive devices, has made visits to all seven main cantonment sites, where a full inventory of stored items was made and all items were categorized as either unsafe to store (category 1) or safe to store (category 2). Concurrent with the inventory process, ArmorGroup also trained a number of Maoist army combatants — 74 men and 3 women — in the safe handling of explosives, firefighting, demolition practice safety and storage enhancement.

24. The inventory counted 6,789 kg of net explosive quantity stored, comprising about 52,000 different items of explosive remnants of war, including improvised explosive devices, detonators, detonator cord and other items. The inventory highlighted the poor condition of most improvised explosive devices and bulk explosives. ArmorGroup has reported that in excess of 90 per cent of items are unsafe to store (category 1) and should be destroyed as soon as conditions permit. In early July, the Mine Action Unit presented the inventory findings to Joint Monitoring Coordinating Committee, which agreed to move forward with the destruction of category 1 improvised explosive devices at the Maoist cantonment sites. ArmorGroup teams are undertaking the coordination tasks required to facilitate demolition at each site, including site risk mitigation, demolition site preparation and coordination with key Maoist personnel.

25. On 1 June 2007, a major explosion occurred in one of the satellite camps connected to main cantonment site 7. An investigation was unable to fully resolve divergent reports concerning the cause of the accident and the explosives involved. Fortunately, it appears that there were no casualties. The incident was a reminder of the constant danger associated with the storage of explosives and underscored the fact that not all improvised explosive devices were made known during the inventory process.

26. An extension of the ArmorGroup contract has been funded through the United Nations peace fund to address the Nepal Army's need for mine action training to ensure that it can fulfil its obligations under the agreement on monitoring the management of arms and armies. This will cover the cost of providing two instructors to train the Nepal Army 14th Brigade explosive ordnance disposal unit in manual mine clearance.

27. On the recommendation of UNMIN, a Cabinet decision has been taken to establish a national mine action authority, consisting of an inter-ministerial steering committee with strategic policy responsibility and a mine action centre with implementation responsibility, both under the auspices of the Ministry for Peace and Reconstruction. The Mine Action Unit, together with UNICEF, has been liaising closely with the Ministry for Peace and Reconstruction and other relevant ministries with regard to the structure and future activities of the national authority. Further

support to the establishment of a national programme will be needed as the national authority takes shape, and UNMIN continues to support the efforts of the Government to find solutions to the serious problem of landmines and explosive remnants of war.

C. Electoral support

28. The UNMIN Electoral Assistance Office continued to provide technical assistance and advice to the Election Commission at all levels. The Office has provided advice on proposed legislation and participated in the drafting of codes of conduct, and it is currently working on developing regulations in light of the recently passed Constituency Assembly Members Election Act. Advisers from the Electoral Assistance Office also participated in the preparation of training and voter education materials, the development of a comprehensive logistics plan for the distribution and retrieval of materials, the drafting of media directives and the preparation of formulas for the tabulation of results. The Office provided advice in the establishment of the Election Commission's regional resource centres in five regions and will, in cooperation with Commission, undertake training for resource centre staff.

29. Following the decision by the eight parties on the timing of the Constituent Assembly election, UNMIN, in consultation and agreement with the Election Commission, requested the United Nations Volunteers programme to proceed with the recruitment of district electoral advisers. The first phase of deployment will consist of 48 international and 24 national Volunteers based in 28 districts, from where they will be able to cover an additional 31 districts. In all, 59 of Nepal's 75 districts will thus receive assistance and advice of UNMIN district electoral advisers from mid-July; the remaining deployment to less accessible districts is scheduled for September, at the end of the monsoon season.

30. The five-member Electoral Expert Monitoring Team, headed by Rafael López-Pintor, began its first 10-day monitoring assessment in Nepal between 11 and 25 June. The Team consulted with a broad range of national stakeholders, including the Election Commission, the Government, members of the interim legislature-parliament, the political parties, civil society and human rights organizations and the media, as well as with representatives of the diplomatic community and international observer groups. The Team has submitted its first report to me, and I have shared it with the Government of Nepal and the Election Commission. The report assesses the electoral process based on benchmarks which revolve around the democratic principles enshrined in article 25 of the 1966 International Covenant on Civil and Political Rights: genuine periodic elections; universal and equal suffrage; the right to stand for public office; and the right to vote by secret ballot, allowing for the free expression of the will of the people.

D. Civil affairs

31. During the reporting period, the Civil Affairs Office developed and implemented a recruitment plan and advanced discussions with OHCHR, the Office for the Coordination of Humanitarian Affairs and other United Nations agencies regarding substantive areas of coordination. It also produced regular reports and

analyses regarding issues affecting the peace process. Reporting has focused on the following key factors affecting the creation of an environment conducive to free and fair elections: weak or absent State institutions at the district level and below; the emergence of armed groups linked to regional identity-based grievances; and the effectiveness of efforts by civil society leaders and organizations to broaden and focus participation in the peace process.

32. Human rights and the rule of law remain the key areas of concern to national organizations, including the failure to address the deeply rooted problem of impunity and to strengthen the rule of law through improving public security arrangements. In addition to maintaining contact with national actors and OHCHR with regard to these issues, the Civil Affairs Office facilitated and promoted discussions among non-governmental organizations and donors regarding public security issues. The Office continued to coordinate with OHCHR on a series of district workshops and is preparing a detailed proposal for practical cooperation in the field once it is fully deployed.

33. UNMIN continued to press for the establishment of a credible independent national monitoring mechanism for the peace process, which it could assist in accordance with its mandate, as well as for the appointment of members of the National Human Rights Commission. It also engaged with the Ministry for Peace and Reconstruction regarding plans for local peace committees. In late June the Cabinet agreed in principle to establish a high-level monitoring body.

34. The Civil Affairs Office continued to monitor developments in the Terai region, reporting in particular on the Madhesi rights movement that had reached a peak in protest-related violence in March 2007. In May, a team from the Office conducted an extended field mission in the western Terai, which confirmed patterns of identity-based conflict that are distinct from those of the central and eastern Terai. In line with its future methodology, the Office held meetings with authorities including Chief District Officers, political parties and organizations and local minority groups. The Office took this opportunity to develop its future working methodology in the field, which will focus on district-by-district regional monitoring on key indicators — local governance, civil society and conflicts — and liaison with local authorities in coordination with OHCHR and regional offices of the Office for the Coordination of Humanitarian Affairs.

35. The Civil Affairs Office, which did not benefit from any substantial advance deployment, has engaged in recruitment and as of 6 July had a staff of four international and eight national Professional officers. The recruitment of regional civil affairs coordinators and United Nations Volunteers is progressing; upon their arrival they will participate in a 10-day training programme prior to deployment to the regions.

E. Political affairs

36. The Political Affairs Section, which is now fully staffed, closely tracked the progress of the peace process between CPN(M) and the Seven-Party Alliance in the interim Government, the ongoing discussions regarding creating a more inclusive electoral system for the Constituent Assembly and the increasing growth of communal, militant and criminal groups willing to use violence to advance their agendas. Notably, the challenges facing the peace process have grown increasingly

complex, and relations between CPN(M) and its Government partners are now only one part of a broader mosaic of relations and interactions that drive the political process and will determine its outcome.

37. My Special Representative, through his regular interaction with all concerned, has urged and encouraged unity among the eight parties. He further urged a concerted effort to address the grievances of traditionally marginalized groups, to urgently improve security conditions and to create an atmosphere providing adequate political space for all as a basis for the success of the Constituent Assembly election.

F. Public information and outreach

38. The Nepalese national media continued to be a major target of the public information work of UNMIN. Efforts focused in particular on raising awareness of the process for the second phase of the registration and verification of Maoist personnel in the cantonments and the Mission's concerns about establishing an atmosphere conducive to a free and fair Constituent Assembly election. The Mission's support of the peace process, and its related concerns, were prominently reported by national media throughout the period.

39. The international media continued to cover Nepal's peace process, mostly through print wire services, with occasional radio and television coverage. The Communications and Public Information Section provided regular briefings, facilitated interviews and supplied photographs and video footage to international media.

40. With public information staff at Mission headquarters gradually being deployed throughout the period, production of materials has increased. These include print materials aimed at supporting outreach work, as well as a series of short radio programmes. Production teams documented all phases of UNMIN work in the Maoist cantonments, including the verification process, mine action and cooperation with the Interim Task Force, as well as UNMIN cooperation with the Nepal Army. Electoral assistance activities were also documented. Production work began on an upgraded UNMIN website to replace the temporary site established with the support of the Office for the Coordination of Humanitarian Affairs at the start of the Mission.

41. Outreach programmes began in several regions, with a focus on districts in the Terai and on traditionally marginalized communities. Visits to cantonment sites have also taken place to plan activities there.

42. The Communications and Public Information Section worked closely with other United Nations country team public information teams during this period, and in particular with OHCHR and UNICEF, as well as with the United Nations Information Centre, to ensure a clear understanding of the mandate and work of UNMIN and the consistency of United Nations system messages By the end of June, the Section's team at Kathmandu headquarters was nearing its full staffing, and the first regional staff had been deployed to the midwestern region.

G. Safety and security

43. The overall level of staff safety and security has not changed. United Nations staff members in Nepal are advised to exercise a high degree of caution. Crime rates have increased, particularly in Kathmandu. There has been heightened tension in the Terai, including outbreaks of communal violence. The security situation remains unstable throughout the Terai districts, where law enforcement is ineffective and both criminal elements and potential spoilers of the peace process are present. Tensions throughout the country are expected to increase as the Constituent Assembly election draws closer.

44. *Bandhs* (strikes) and protests have been held regularly across the country. United Nations staff were not directly targeted in any protest or demonstration; however, they were occasionally prevented from carrying out their duties due to roadblocks in many areas. The UNMIN Safety and Security Section was understaffed until towards the end of this period, but continues to be well supported by Department of Safety and Security personnel in Kathmandu.

H. Administration and logistics

45. Progress has been made in the establishment of the Mission's administrative and logistical support infrastructure, thereby increasing the capability of the administration in the area of supporting the arms monitors, electoral advisers and other substantive components in the regions. Following the receipt of the Mission's fund allotments in early April, UNMIN has established its independent financial and procurement operations.

46. The Government of India donated 82 four-wheel vehicles, buses and pick-up trucks, 20 generators and five ambulances to the Government of Nepal for loan to UNMIN. Of these, all of the general-purpose vehicles, as well as the generators, have now been received; the delivery of the five ambulances is awaited. This generous contribution by India provided vital support to the Mission's efforts to expedite its deployment. UNMIN headquarters has now been established in the Birendra International Conference Centre, while work on the establishment of the five regional offices in Biratnagar, Pokhara, Kathmandu, Nepalgunj and Dhangadhi is ongoing. UNMIN has received its full complement of aviation assets, consisting of four helicopters and one fixed-wing aircraft.

47. UNMIN is awaiting delivery of some 98 additional passenger-type vehicles, of which 68 were ordered through the United Nations systems contract and are due in the Mission by 15 July. With their arrival and the receipt of about 300 tons of equipment from the United Nations Logistics Base at Brindisi, Italy, the Mission will have progressed well towards attaining full operational capability, including the ability to support the July deployment of electoral advisers in 28 districts across Nepal, as well as the five regional offices.

V. Human rights

48. The overall human rights situation continues to be worrying, with the main concerns linked to inadequate public security and law enforcement and to

unresolved issues of discrimination with regard to representation and inclusion in the political process. The enforcement of repeated *bandhs*, especially in the Terai, by a range of groups seriously affected freedom of movement, as some protests turned violent. Police responses ranged from passivity to excessive use of force. Security forces took steps to arrest more than 30 members of armed groups in the central and eastern regions of the Terai, but courts challenged the legality of some of the detentions. Abductions and killings by these groups continued. In June, OHCHR published a report on abuses by YCL since its re-emergence in December 2006, including "law enforcement activities" that amount to human rights abuses. The report noted that YCL abductions had increased in recent weeks. A member of the Madhesi People's Rights Forum remained missing after being abducted in Kathmandu on 15 June; OHCHR has not been able to confirm who was responsible for the abduction.

49. There were important developments in relation to accountability, which, if properly implemented in accordance with international standards, could have a positive impact on reducing impunity. These include a bill before the interim parliament to criminalize enforced disappearances. The Government also announced the formation, on 28 June, of a commission of inquiry to investigate conflict-related disappearances, but its credibility has already been called into question owing to the manner in which it was established. The Ministry for Peace and Reconstruction set up a task force to draft legislation to establish a Truth and Reconciliation Commission. According to the Ministry, the draft, once finalized, will be made public for consultations. Nevertheless, OHCHR raised a number of significant concerns with regard to these measures that need to be addressed if the measures are to be in accordance with international human rights standards. At the same time, non-governmental organizations, victims and their relatives are facing continuing obstacles in their attempts to get police to investigate human rights violations.

50. OHCHR continued its series of workshops in districts around the country to bring civil society, police, political parties and local authorities together to discuss issues relating to human rights and the peace process. Some focused particularly on the question of discrimination and were attended by United Nations special experts on racism, discrimination and indigenous peoples, who visited Nepal during the last week of April. The experts particularly emphasized the importance of representation and inclusion in the peace process. The workshops repeatedly highlighted the need to build trust and dialogue at the local level in order to build conditions for a successful peace and electoral process.

VI. United Nations country team coordination

51. Since my previous report, UNMIN and the United Nations country team have advanced discussions on joint efforts in support of the peace process. The core element of the coordination efforts to date has been the sustained support to the country team in reorienting its programming for 2007 in the light of the joint strategic framework for supporting the peace process, agreed in April. While UNMIN has initiated a number of consultations with the Resident Coordinator's Office and the country team to guide the reorientation exercise, a joint mission was fielded by the United Nations Development Group Office, UNDP and the Office for the Coordination of Humanitarian Affairs to review ways to strengthen recovery coordination. At the recommendation of that mission, and in consultation with my

Special Representative, the internal coordination mechanisms of the Country Team will be strengthened to better engage with the UNMIN coordination unit in supporting my Special Representative's responsibility to coordinate assistance from the United Nations system to the peace process.

52. Under the Mission's guidance, relevant agencies of the country team are gearing their support for the verification process in the cantonment sites. They have initiated the necessary consultations on enhancing health care for and around these sites, as well as on supporting the discharge of Maoists as a result of the verification process. In parallel with these activities, UNMIN continues to engage with other bilateral and multilateral donors in an effort to foster mutual understanding of, and enhance external support for, the peace process.

53. Enhancing United Nations and donor coordination efforts under the leadership of UNMIN, the United Nations peace fund for Nepal has, since my previous report, received supplementary contributions and pledges, bringing the total to approximately $3.8 million. In addition to the first project approved in April and currently under way, in support of mine action and improvised explosive devices disposal activities, as described in paragraph 23 above, additional projects have been approved to support the Maoist combatant verification process and training in demining for the Nepal Army. I thank the Member States which have contributed to the fund.

VII. Observations

54. Overall, I remain optimistic that the peace process in Nepal will achieve its goal and give the people of Nepal a well-deserved future of peace, stability and prosperity. But it is clear that the national political scene has become more complex and challenging in the past few months. Renewed and expanded efforts will have to be made to sustain the successful trajectory of the peace process. The parties and the people of Nepal have achieved so much that they cannot but take the peace process to its intended successful conclusion. The stakes are too high; complacency or differences over secondary issues cannot be allowed to threaten to deny the people of Nepal the realization of their ardent desire for sustainable peace.

55. The postponement of the election has had the effect of testing the unity of the eight parties and the level of trust among them. Failure to ensure a credible election within a realistic and well-planned period could have a much more serious impact on the unity of the eight parties and their ability to act and function in unison within the existing coalition.

56. UNMIN has advised and will continue to advise that if, as the interim Government has now formally decided, the Constituent Assembly election is to be held in November this year, considerable work needs to be done to meet that objective. Not only will additional commitments need to be forged, but the parties to the peace process will also need to improve their record of implementing commitments they have made already. My Special Representative advised that the political and security issues impeding this process and the related legislative, technical and logistical matters should have been addressed by the end of June or very soon thereafter. As noted above, a number of important steps have been taken since late May in that direction, and I am encouraged by that. This momentum needs to be maintained and accelerated. Among the key issues are conditions in the Maoist

cantonment sites; public security; the grievances of the Madhesi, Janajati and other underrepresented groups; and the post-election dispensation, including the future of the security sector.

57. The significance of the far-reaching process of democratization that Nepal is going through cannot be overstated. The successful holding of the Constituent Assembly election in a manner that meets the aspirations of the majority of the Nepalese people is the central element of this process. In the coming crucial months, as the country grapples with diverse operational and political challenges, the United Nations will continue to stand by the people of Nepal and the parties, who are striving to make the historic political transition a success. It is my intention to ensure that UNMIN and the wider United Nations system will position themselves to provide the utmost assistance to this process in a timely manner.

58. In conclusion, I would like to convey my sincere appreciation to the Security Council and Member States for their continued support to Nepal. I would also like to express my gratitude for the dedicated efforts of my Special Representative, Ian Martin, and of his staff and their partner organizations in Nepal.